

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

First Franklin Financial Corporation,

Civil No. 07-3579 (PAM/JSM)

Plaintiff,

v.

ORDER

Market Trend Mortgage LLC,

Defendant.

This matter is before the Court on Plaintiff First Franklin Financial Corporation's ("First Franklin") Motion for Default Judgment and Attorneys' Fees against Defendant Market Trend Mortgage LLC ("Market Trend") for failure to plead or otherwise defend as required by the Federal Rules of Civil Procedure.

On October 3, 2007, the Clerk of Court entered default pursuant to Fed. R. Civ. P. 55(a). In support of this Motion under Fed. R. Civ. P. 55(b), First Franklin provided an Affidavit from counsel stating that First Franklin had suffered a sum certain of \$178,749.61 in damages. First Franklin also provided an agreement requiring Market Trend to pay First Franklin's reasonable legal fees and expenses arising from the transaction that is the subject of the Complaint. First Franklin states that through September 2007 it had incurred \$4,213.74 in legal fees and expenses in connection with this matter, and that it "expects to expend" an additional \$816.00 "through hearing on this default motion."

While the Court concludes that default judgment may be entered for the sums certain of \$178,749.61 in damages and \$4,213.74 in legal fees and expenses, First Franklin sought no hearing on this Motion and therefore is not entitled to recover the additional \$816.00.

Accordingly, **IT IS HEREBY ORDERED** that First Franklin's Motion for Default Judgment and Attorneys' Fees (Docket No. 4) is **GRANTED** in the amount of \$182,963.35.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 12, 2007

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge